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JAN 25 2007

PATENT

Practitioner's Docket No. 0037.00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Andrew CLARK, et al.

Application No.: 09/414,384

Group No.: 3743

Filed: October 7, 1999

Examiner: Aaron J. LEWIS

For: FLOW RESISTANCE MODULATED AEROSOLIZED ACTIVE DELIVERY

Mail Stop: AF

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES
(37 C.F.R. § 1.191)

Applicant hereby appeals to the Board from the decision of the Primary Examiner, mailed September 11, 2006; final rejection of claims 21-36.

1. STATUS OF APPLICANT

This application is on behalf of other than a small entity.

CERTIFICATION UNDER 37 C.F.R. " 1.8(a) and 1.10*
(When using Express Mail, the Express Mail label number is *mandatory*;
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

___ deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. § 1.8(a)

___ with sufficient postage as first class mail.

37 C.F.R. § 1.10*

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TRANSMISSION

XX facsimile transmitted to the Patent and Trademark Office, (571) 273-8300.

Signature

Date: 25JAN2006

Minna Cotter

(type or print name of person certifying)

* Only the date of filing (" 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under " 1.8 continues to be taken into account in determining timeliness. See " 1.703(f). Consider "Express Mail Post Office to Addressee" (" 1.10) or facsimile transmission (" 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

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PAGE 3/8 * RCVD AT 1/25/2007 2:34:18 PM [Eastern Standard Time] * SVR:USPTO-EFXXRF-6/38 * DNIS:2738300 * CSID:6506206395 * DURATION (mm-ss):02-14

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2. FEE FOR FILING NOTICE OF APPEAL

Pursuant to 37 C.F.R. § 41.20(b)(1), the fee for filing the Notice of Appeal is:

Notice of Appeal fee due	\$500.00
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3. EXTENSION OF TERM

The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply. Applicant petitions for an extension of time under 37 C.F.R. 1.136 (fees: 37 C.F.R. 1.17(a)(2)) for two months:

Fee	\$450.00
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If an additional extension of time is required, please consider this a petition therefore.

4. TOTAL FEE DUE

The total fee due is:

Notice of Appeal fee	\$500.00
Extension fee	\$450.00
TOTAL FEE DUE	\$950.00

5. FEE PAYMENT

Authorization is hereby made to charge the amount of \$950.00 to Deposit Account No. 500348. Charge any additional fees required by this paper or credit any overpayment in the manner authorized above. A duplicate of this transmittal is attached.

6. FEE DEFICIENCY

If any additional extension and/or fee is required, and if any additional fee for claims is required, charge Deposit Account No. 500348.

Date: 25 JAN 2007

Reg. No.: 45,302
Tel. No.: 650-620-5501
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Signature of Practitioner
Guy V. Tucker
Nektar Therapeutics
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